

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL : HON. DAN A.
PRESCRIPTION OPIATE : POLSTER
LITIGATION :
:
APPLIES TO ALL CASES : NO.
: 1:17-MD-2804
:

- HIGHLY CONFIDENTIAL -

SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

- - -

December 18, 2018

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Videotaped deposition of
MICHAEL PERFETTO, taken pursuant to
notice, was held at the offices of Lief
Cabrer, LLP, 250 Hudson Street, New
York, New York, beginning at 9:09 a.m.,
on the above date, before Michelle L.
Gray, a Registered Professional Reporter,
Certified Shorthand Reporter, Certified
Realtime Reporter, and Notary Public.

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1 Q. And your bonus was tied in
2 part to your ability to increase sales
3 for those products; is that right?

4 MR. ROTH: Object to form.

5 THE WITNESS: Can you repeat
6 the question?

7 BY MS. BAIG:

8 Q. Your bonus was tied in part
9 to your ability to increase sales for
10 those products; is that right?

11 MR. ROTH: Same objection.

12 THE WITNESS: My bonus was
13 tied to making my target for an
14 aggregate of all the products for
15 the U.S.

16 BY MS. BAIG:

17 Q. Which included those
18 products, correct?

19 MR. ROTH: Same objection.

20 THE WITNESS: Yes.

21 BY MS. BAIG:

22 Q. And I think you testified
23 that you didn't recall what your bonus
24 was. But you do recall that you received

1 one each year; is that right?

2 A. Excuse me.

3 Q. I think you testified that
4 you couldn't recall what your bonus was
5 each year. But do you recall that you
6 did, in fact, receive one each year while
7 you were at Actavis?

8 A. I will answer that most
9 years. I can't answer definitely that I
10 received it every year.

11 Q. Okay. And what marketing
12 tools did Actavis use to drive sales of
13 these generic products while you were
14 there?

15 MR. LUXTON: Objection to
16 the form.

17 THE WITNESS: We -- we
18 don't -- we don't market products.
19 We sell generics. We don't use
20 marketing. We actually don't use
21 promotion.

22 We use -- because if you
23 look at generics, we're all the
24 same product. So we use quality,

1 product supply, and pricing
2 primarily to sell our products.

3 BY MS. BAIG:

4 Q. So are you saying that you
5 don't use any marketing tools to sell --
6 or you didn't use any marketing tools to
7 sell your generic --

8 MR. LUXTON: Objection to
9 form.

10 BY MS. BAIG:

11 Q. -- opioid products while you
12 were at Actavis?

13 A. Because typically when you
14 think of marketing, you think of
15 promoting to the doctors with samples and
16 calling on -- in the pharmaceuticals, and
17 calling on the doctors. We don't do any
18 of that.

19 So our -- our primary job is
20 to provide an alternative to the branded
21 product at a discount to the branded
22 product on price, have good quality, good
23 supply, and that's how the reps are
24 selling, plus their relationships with

1 the accounts.

2 We don't -- we don't

3 promote --

4 BY MS. BAIG:

5 Q. Can you define --

6 A. We don't promote our

7 products. Promote -- we don't do any

8 what I would call pure promotion, like a

9 branded pharmaceutical company would do.

10 Q. So you define marketing

11 solely as -- as detailing doctors in

12 doctors' offices?

13 A. Sampling of products, trying

14 to generate prescriptions. That would be

15 the marketing of products.

16 Q. But in terms of marketing to

17 your customers, what tools did you use to

18 market your generic lines to your

19 customers?

20 MR. LUXTON: Same objection

21 as before.

22 THE WITNESS: Again, we

23 would -- we would do awareness.

24 Ads would be the very, very --

1 just awareness ads in trade
2 magazines would be the very
3 minimum thing that we would do.

4 Or awareness ads on very rare
5 occasions to physicians' offices
6 to let them know that there's an
7 alternative product available.

8 BY MS. BAIG:

9 Q. Okay. So you did awareness
10 ads. Anything else that you can think of
11 to market your generic products to your
12 customers?

13 MR. LUXTON: Objection to
14 the word "marketing." You can
15 answer.

16 MS. BAIG: The special
17 master has defined marketing as
18 anything that you do to sell your
19 product, to get people to buy more
20 of your product. So let's go with
21 that definition.

22 BY MS. BAIG:

23 Q. That's the definition that
24 I'm using.